
REMARKS

In the Office Action of March 11, 2003, the claims were rejected under § 102 and/or § 103 in view of *Wohead*, *Witkowski* and *Keeton* as being anticipated or obvious over such references or in view of various secondary references.

Throughout the prosecution of this application, various amendments have been made to the claims to distinguish from the above references and the differences between such references and the claims have been extensively discussed. Such differences will not be again discussed in this response. Accordingly, applicant incorporates herein by reference the previous comments regarding the differences between the claims and the prior art.

Pursuant to the above amendments, applicant has made further amendments to independent claims 1 and 26 to more clearly distinguish from the prior art and has added new independent claim 38 and new dependent claims 36, 37, 39 and 40 to more fully define the invention. Reconsideration is respectfully requested.

To address the specific comments of the Examiner, independent claim 1 has been amended to require the noise generating element to be non-detachably connected with the weighted section “both during use and non-use” and to require the noise generating element as comprising a fixed number of noise generating objects “both during use and non-use”. This clearly distinguishes from the *Wohead* and *Witkowski* references which disclose a structure that requires what the Examiner is considering to be the noise generating element (but which is not), to be detachable and capable of adjustment.

Independent claim 26 has been further amended to require the fishing sinker to not only be of unitary construction but to be of a unitary, “one piece” construction. This clarifies the meaning of the term “unitary” as used in the present claims and clearly distinguishes from *Wohead*, *Witkowski* and *Keeton* which are not unitary and are not of one piece construction. Further, independent claim 26 requires the noise generating element to be non-detachably connected with the elongated body. As indicated above, this is not disclosed in either *Wohead* or *Witkowski*. It is also not disclosed in *Keeton* which discloses the noise generating collar 20 as being detached from the weighted section 12 to provide further noise as the collar 20 engages the member 12.

New independent claim 38 is drafted to cover a fishing sinker in which the noise generating element is comprised of a hollow member which is molded into the weighted section

to define a closed noise generating chamber which is non-detachable from the weighted section both during use and non-use and further includes a fixed number of objects moveable freely within such chamber. None of the references, including *Wohead*, discloses this structure and accordingly it is considered as allowable.

For all of the above reasons and particularly in view of the amendments to the claims, the differences between such claims and prior art, it is submitted that all of the claims are now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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